

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

ARDIE DEAN FISHER-DEY	§	
VS.	§	CIVIL ACTION NO. 1:16-CV-343
DAN MOORE, JUDGE	§	

MEMORANDUM OPINION REGARDING VENUE

Petitioner, Ardie Dean Fisher-Dey, proceeding *pro se*, filed this petition for writ of mandamus pursuant to 28 U.S.C. § 1651 against state District Court Judge Dan Moore. Petitioner requests this Court issue a writ of mandamus ordering Judge Dan Moore to “honor” a default judgment in a case filed in Henderson County, Texas.

The above-styled action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

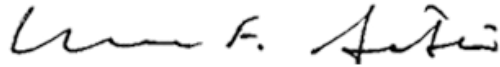
Except as otherwise provided, venue in a civil action is determined pursuant to 28 U.S.C. § 1391(b). When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where all the defendants reside or in which a substantial part of the events or omissions giving rise to the claim occurred.

As outlined above, petitioner requests this Court to issue a writ of mandamus ordering Judge Dan Moore to “honor” a default judgment in a case filed in Henderson County, Texas. Henderson County, Texas is located in the Eastern District of Texas, Tyler Division. It would, therefore, appear

a substantial part of the events or omissions giving rise to petitioner' occurred in the Eastern District of Texas, Tyler Division. Venue, therefore, is not proper in the Eastern District of Texas, Beaumont Division.

When venue is not proper, the court "shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." 28 U.S.C. 1406(a). Petitioner's claims should be transferred to the Eastern District of Texas, Tyler Division. An appropriate order so providing will be entered by the undersigned.

SIGNED this the 27 day of September, 2016.



KEITH F. GIBLIN
UNITED STATES MAGISTRATE JUDGE